HOME (194 7) Department.

MS SERIES.

G.O. NO. 3873

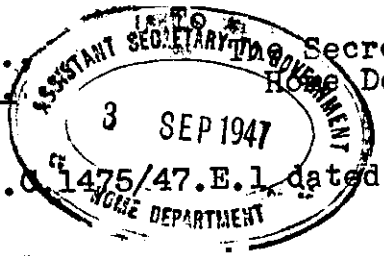
Dated 17th October 1947.

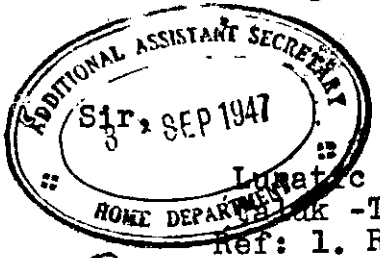
[Despatch Abstract.]

Lunatics - Criminal - Transfer to the Mental Jail. Cuddalore, under section 35 Indian Lunacy Act, 1912 - Akber Raja Saheb. accused in C.C.No.137/47 on the file Joint Magistrate, Hospet (Bellary district) - Ordered.

From
K.N.Anantaraman,Esq.,I C.S.,
Dist.Magistrate,Bellary.

To
The Secretary to Government,
Home Department,Fort St.George,
Madras.





No.C.1475/47.E.1. dated 31.8.47.

Sir,

Lunatic - Criminal - Accused Abker Raja Saheb of Harpanahalli Taluk -Transfer to the mental jail- Cuddalore -report submitted.

Ref: 1. Ref.on C.C.137/47 dated 11.8.47 from the Sub Collector Hospet
2. G.O.No.2068 (Home) dated 8.6.42.

One Abkur Raja Saheb was charged by the Sub Inspector of Police Halvagal for an offence under Sec.379 I.P.C. While in custody the accused was declared by the Medical Officer Harpanahalli to be suffering from "Melancholia". The Sty.Sub Magistrate Harpanahalli therefore forwarded the accused to the Hd.Qrs. Hospital Bellary on 17.5.47 for being kept under observation and the Asst.Dist.Medical Officer Bellary declared the accused to be of unsound mind. By mistake the Sty.Sub Magistrate Harpanahalli forwarded the accused to the Joint Magistrate's court, Hospet for necessary action under the Lunacy Act. The Joint Magistrate Hospet examined the Asst.Dist.Medical Officer as a witness under Sec.464(1) Cr.P.C. and recorded his evidence. The Asst.Dist.Medical Officer stated the accused was under observation from 17.5.47 to 3.6.47 and that after observing the accused he came to the conclusion that he was suffering from depressive maniac and epileptic fits. He further stated that this condition amounted to "Lunacy" Thus the accused is of unsound mind and incapable of making his defence. The Joint Magistrate Hospet has therefore passed an order under Sec.466(2) Cr.P.C. The accused is aged 45 years.

2. In these circumstances I am transferring the lunatic to the mental jail, Cuddalore for detention.

for Collector & Dist Magistrate.

nsn.Murthi/1.9.47.

Home Department.B

Memo. No. 58716 D/47-1 dated 6-9-47

Lunatics - Criminal - Bellary district - Akbar Raja Saheb, accused in C.C. No. 137/47 on the file of the Joint Magistrate, Hospet.

Ref: Letter from the D.M., Bellary No.C.1475/47-E.1, dated 31.8.47.

The D.M., Bellary is requested to forward not later than 25.9.1947, a copy of order under Sec.466(2) Cr.P.C. passed by the Joint Magistrate, Hospet.

To the D.M., Bellary.

(R.D. 26.9.47)

L.Dis. 1814/47 Mgl. Dated 4-10-47

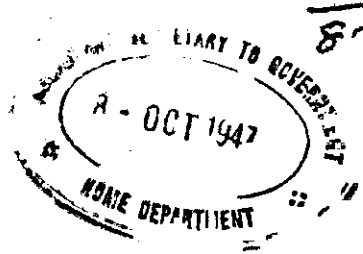
From:

K.P. Arantharaman Esq., I.C.S.,
D.M.&Collector, Bellary.

To:

The Secretary to Government,
Home Department, Madras.

Sir,



Subject: Lunatics - Criminal - Bellary district - Akber Raja Saheb - Accused in C.C.137/47 on the file of Joint Magistrate, Hospet.

Ref ante reference: Government Memo No. 58716 D/47-1 dated 6-9-47

I enclose herein, a copy of order infra order under section 466 (2) Cr.P.C. passed by the Joint Magistrate, Hospet.

For District Magistrate.

P.L.O. 10.

In the Court of the Joint Magistrate,Hospet.
Present:-Riazuddin Ahmed Esq.,I.C.S.,
[redacted]/47 Dated 12-7-1947

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FINDINGS.

1. The Sub Inspector of Police,Halavagal laid a charge sheet under section 379 Indian Penal Code against the accused Akkur Raja Sahib in the court of the Stationary Sub Magistrate Harpanahalli. While in custody, the accused was declared by the Medical Officer,Harpanahalli to be suffering from 'Melancholia' The Submagistrate, therefore,forwarded the accused to the District Medical Officer,Bellary. for being kept under observation. and the Assistant Medical Officer,Bellary,declared the accused to be of unsound mind. As the Sub Magistrate was not empowered to take action under section 466(2) Criminal Procedure Code,he forwarded the accused to this Court for the necessary action.

2. I examined the Assistant Medical Officer Capt.T.J.Mohan Rao M.B.B.S.,as a witness and recorded his evidence. He deposed that the accused was admitted into the Government Headquarters Hospital Bellary on 17-5-47 and was discharged on3-6-47. The accused was getting epileptic fits almost daily during the period of observation. Detailed observation of the accused led him to the conclusion that the accused was suffering from epilepsy and depressive maniac. He filed his medical certificate,Ex.A,containing his opinion that the accused was a lunatic.

3. As the accused Akkur Raja Sahib is a lunatic and incapable of making his defence, I postpone further proceedings in this case The accused shall be detained in theSub Jail Hospet till orders of Government are received.

Sd.Riazuddin Ahmed
Joint Magistrate, Hospet
12/7/47

/True Copy/

Sub Divisional Magistrate,Hospet.

MNV 29/9

38/116-R/41

Home Department.

G.O. Ms. No. 3878. dated 17-X-47

LUNATICS - Criminal - Transfer to the Mental Jail, Cuddalore under section 35(2) of the Indian Lunacy Act, 1912 - Akber Raja Saheb, accused in C.C.No.137/47 on the file of the Joint Magistrate, Hospet (Bellary district) - Ordered.

Read: From the D.M., Bellary, No. C. 1475.E.1, d.31.8.47 and L. Dis. 1814/47 Mgl., dated 4.10.1947.

O R D E R:

In exercise of the powers conferred by section 35(2) of the Indian Lunacy Act, 1912, His Excellency the Governor of Madras hereby orders the removal of the criminal lunatic Akber Raja Saheb, detained in the Sub-jail, Hospet, to the Mental Jail, Cuddalore. The usual periodical reports should be made as to the state of his mind.

2. With reference to para 5 of G.O. No. 3789, Home, dated 22.8.1941, the Joint Magistrate, Hospet, should have ordered the detention of the criminal lunatic in the Mental Jail, Cuddalore.

To the D.M., Bellary.
" I.G. of Prisons, Madras.
" I.G. of Police, Madras.
" Supdt., Mental Jail, Cuddalore.

Note:

As the criminal lunatic has been ordered to be detained in the sub-jail, Hospet by the Joint Magistrate, the lunatic has to be transferred to the Mental Jail, Cuddalore under Section 35 (2) of the Indian Lunacy Act. The draft above is for approval.

[Issued as GO MS NO 3873, Home, d/ 17x47]

Jail Department.

From

Major T.Joga Rao,
Superintendent,
Mental Jail, CUDDALORE.

To

The Secretary to Government,
Home Department,
MADRAS.

ASSISTANT SECRETARY TO GOVERNMENT
HOME DEPARTMENT
29 OCT 1947

R.C. No. 3124/47, dated the 24th October 1947.

Sir,

Sub: Lunatics - Criminal - Transfer to the Mental Jail, Cuddalore under section 35(2) of the Indian Lunacy Act, 1912 - Akbar Saheb, accused in C.C.No.137/47 on the file of the Joint Magistrate, Hospet - Ordered - Receipt acknowledged.

Ref: G.O.Ms.No.3873, Home, dated the 17th October 1947.

In acknowledging the receipt of the Government Order cited above, I have the honour to report that the above mentioned patient was admitted into this jail on 18-9-1947.

Joga Rao.
Major.
Superintendent.

Copy submitted to the Inspector General of Prisons, Madras.

May be kept and filed with G.O Ms No 3873 Home Dept